



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
Commissioner for Patents
Box RCE
Washington, DC 20231

Approved for use through 10/31/2002 OMB 0651-0031
U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

| | |
|------------------------|--------------------|
| Application Number | 08/950,542 |
| Filing Date | October 15, 1997 |
| First Named Inventor | Bachovchin, et al. |
| Art Unit | 1653 |
| Examiner Name | Lukton, D. |
| Attorney Docket Number | 2002941-0051 |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

RECEIVED

OCT 15 2002

TECH CENTER 1600/2900

1. Submission required under 37 CFR 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☒ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☒ Other Remarks

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months. Fee under 37 CFR 1.17(i) **required**)
- b. ☐ Other _____

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-1721
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☒ Check in the amount of \$ 370.00 (filing fee) and 720.00 (extension fee) enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|-----------------|-----------------------------------|-----------------|
| Name (Print/Type) | C. Hunter Baker | Registration No. (Attorney/Agent) | 46,533 |
| Signature | | Date | October 7, 2002 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an

Signature

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.



ATTORNEY'S DOCKET NUMBER: 2002941-0051

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bachovchin *et al.* Examiner: Lukton, D.
Serial No.: 08/950,542 Art Unit: 1653
Filed: October 15, 1997
For: INHIBITORS OF DIPEPTIDYL-AMINOPEPTIDASE TYPE IV

Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED

OCT 15 2002

TECH CENTER 1600/2900

Sir:

The following Remarks and accompanying Declaration under 37 C.F.R. § 1.132 are submitted herewith in conjunction with a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114. A Notice of Appeal under 37 C.F.R. § 1.191 was filed in this case on April 25, 2002. An Advisory Action mailed August 13, 2002, stated that the Applicant's arguments in the Response filed April 25, 2002, were only found persuasive in part and did not place the application in condition for allowance. The deadline for filing an Appeal Brief was June 25, 2002. A four-month extension of time from June 25, 2002, up to and including October 25, 2002, is hereby respectfully requested in order to keep the present Application pending, and a check for such an extension is enclosed. Applicant respectfully requests that the Request for Continued Examination be granted and that the following Remarks and accompanying Declaration be considered.

Remarks

Claims 35, 36, 39-43, and 46-51 are pending in the application and stand rejected. For the convenience of the Examiner, a copy of the pending claims as they stand now in the U.S. Patent and Trademark Office are included herewith as Appendix A. Applicant respectfully requests reexamination and reconsideration of the case in light of the Declaration submitted